

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Rayshon Watley,
Plaintiff

Case No. C-1-01-739

vs

Mona Parks, et al.,
Defendants

ORDER
(Dlott, J.; Perelman, M.J.)

On December 15, 2003, the Court ordered plaintiff's motion to compel discovery (Doc. 30) be held in abeyance pending clarification from plaintiff as to the documents still sought through discovery. (Doc. 41). The Court also granted plaintiff's request to stay resolution of defendants' motion for summary judgment pending resolution of the motion to compel. *Id.* This matter is before the Court on plaintiff's response to the Court's Order (Doc. 43), and defendants' response thereto. (Doc. 44).

Plaintiff's motion to compel discovery seeks: (1) a copy of his medical file from August 2000 through the present, including reports from the Corrections Medical Center; (2) all informal complaints, grievances, and appeals, and responses thereto by prison officials, concerning his ingestion of a razor blade and denial of medical treatment; (3) all x-rays concerning the ingestion of a razor blade; and (4) sick call sign-up sheets for plaintiff from August 2000 through the

present. (Doc. 30). Defendants did not file a response to plaintiff's motion to compel. However, defendants filed a motion for summary judgment on September 8, 2003, which includes numerous documents from plaintiff's medical file, including x-ray and MRI reports, progress notes, doctors' orders, appointments to medical facilities outside the institution, specialists' reports, and other documents for the relevant time frame. (Docs. 31, 32). In view of these documents, the Court ordered plaintiff to submit a statement identifying any additional documents he still needs within twenty (20) days.

In response to the Court's Order to identify the additional documents sought, plaintiff simply reiterates he needs "all" the items set forth in his motion to compel. Plaintiff alleges the documents attached to the motion for summary judgment "have nothing to do with what Watley complains about in his complaint." (Doc. 43 at 3).

Defendants assert that plaintiff has reviewed his medical records from the date of August 2000 until the present on more than one occasion in this case as well as in case number C-1-02-244. In addition, defendants correctly point out that the informal complaints, grievances and appeals sought by plaintiff are documents he generated. In addition, the responses thereto by prison officials should have necessarily been received by plaintiff since he plead and showed exhaustion of the

prison grievance procedure in connection with the filing of this lawsuit. See Doc. 44. See also Docs. 12, 18.

Plaintiff's statement identifying specific documents he still needs is wholly unresponsive to the Court's Order. Contrary to plaintiff's assertion, the medical records attached to defendants' motion for summary judgment are directly related to the denial of medical care claims raised in this case. For example, attached to the motion for summary judgment are copies of eight x-rays from November 29, 2000, the date plaintiff swallowed a razor blade, through August 27, 2001, when x-rays confirmed the razor blade passed. These eight x-rays show the status of plaintiff's condition throughout the relevant time period. Yet plaintiff inexplicably asserts he still seeks copies of x-rays related to this condition. Plaintiff has made no effort whatsoever to narrow the discovery issues at hand. In view of defendants' representation that plaintiff has already reviewed his medical records on multiple occasions and plaintiff's lack of candor and responsiveness to this Court's Order, the Court declines to order defendants to engage in duplicative discovery which would merely delay the resolution of this matter. Accordingly, plaintiff's motion to compel (Doc. 30) is **DENIED**.

Plaintiff shall be granted one extension of time until **March 15, 2003** to file

a response to the motion for summary judgment.

IT IS SO ORDERED.

Date: 2/23/2004

s/David S. Perelman
David S. Perelman
United States Magistrate Judge

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